

REMARKS

Applicant has carefully considered the March 20, 2006 Office Action, and the comments that follow are presented in a bona fide effort to address all issues raised in that Action and thereby place this case in condition for allowance. Claims 11, 12, 15, 16, 19 and 21-30 are pending in this application. Entry of the present Request for Reconsideration is respectfully solicited. It is believed that this response places this case in condition for allowance. Hence, prompt favorable reconsideration of this case is solicited.

The Examiner again asserts that “a threshold value storing unit for holding threshold value information deciding a period for which the apparatus management data is valid”, will be interpreted as meaning, *a value used for deciding when a condition is met associated with said value*.

However, Applicant maintains that such interpretation is, on its face, not specific enough as, for example, claim 15 requires that the “threshold value information” be information for *deciding a period*. In this regard, it is clear that “period” is a “time period”. Thus, the threshold value information is information regarding *a time period in which the apparatus management data* that is included in the packet sent from the centralized management device to the apparatus connected to a respective apparatus management device *is valid*. This is entirely consistent with what is claimed and with the disclosure at page 22, lines 15+ under the section labeled Remote Command Processing. Consequently, Applicant believes that the Examiner’s interpretation “a value used for deciding when a condition is met associated with said value” is much broader than what is claimed.

Claims 11-12, 15, 16, 19 and 21-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tarr et al. (U.S. Pat. No. 5,184,179, hereinafter “Tarr”) in view of Nobuhisa

(JP 7115437, hereinafter "Nobuhisa"). Applicants respectfully traverse. Moreover, Applicants request the Examiner to revise the statement of the rejection to identify all of the pending claims discussed in the body of the rejection.

Tarr discloses that the computer control 16 (which corresponds to the control device) sends a signal to the billing computer 38 (which corresponds to the centralized management device) when the predetermined time period has ended (see column 6, lines 39-54). That is, when each predetermined time period ends, as measured using real time clock 30 and the predetermined time period store in RAM, the CPU 24 of the monitoring system sends a signal to the billing computer 38 indicating the end of the time period and then also forwards the total count value to the billing computer (to prepare a bill). Tarr does not disclose a packet (including apparatus management data) sent from the billing computer (centralized management device) to the computer control 16 (corresponding to the apparatus connected to a respective apparatus management device), let alone determining that the apparatus management data in the packet was received during a time period in which such data is valid.

In the Office Action dated March 20, 2006, the Examiner noted that Tarr "does not explicitly teach where said packets include expiration information (e.g. data and time) upon which validity of data is determined". However, as noted above, Tarr does not disclose a packet (including apparatus management data) sent from the billing computer (centralized management device) to the computer control 16 (corresponding to the apparatus connected to a respective apparatus management device).

The Examiner relies upon Nobuhisa as teaching a time stamp when transmitting a packet which indicates the transmission of the packet upon which validity of data is determined upon reception thereof by comparing the present time and a predetermined time, including

transmitting data (22) in a packet consisting of a header (21) transmission data (22) and time stamp (23).

However, Applicant submits that Nobuhisa fails to disclose whether or not the received data is valid and that the control device permits transmission of the data if the data is valid and transfers a notice if the data is invalid. Each transmitting device (repeating installations) 12, 13 receives the data from a sending device (a communication device) 11 and relays the next device (the transmitting device 13 or a receiving device (communication device) 14). At that time, the transmitting device relays data regardless of the time stamp 23 in the data. See numbered paragraphs [0019], [0020], [0021] and Fig. 4 of Nobuhisa.

Applicant, therefore, submits that neither Tarr nor Nobuhisa teaches or suggests where the packets include expiration information upon which validity of data is determined. Tarr discloses that the signal (notice) merely indicates the end of the predetermined time period and is always processed by the billing computer 38 when it is received and the billing computer 38 receives the total count value that is forwarded also. Further, Nobuhisa fails to disclose whether or not the received data is valid and that the control device permits transmission of the data if the data is valid and transfers a notice if the data is invalid. Thus, Applicant maintains that the Examiner has yet to provide a realistic reason why Tarr' signal indicated the end of the predetermine time period would ever realistically include an indication of when such signal expires.

Consequently, it is Applicant's position that the Examiner has not articulated any logical reason why one having ordinary skill in the art would have been motivated to modify Tarr in view of Nobuhisa. In this regard, it should be appreciated that Tarr does not ever realistically encounter a situation where the signal sent to the billing computer 38 indicating the end of the predetermined

time period is invalid, or that there is ever a determination/condition that such signal (indicating the end of the predetermined time period) can be sent to the billing computer 38 (to indicate the end of the predetermine time period) when the current date and/or time from real time clock 30 is not past the predetermined time period. More specifically, there is no realistic situation in which the signal sent to the billing computer 38 indicating the end of the predetermined time period would be invalid, as it is only sent after the predetermined time period has expired. Also, even if it were presumed that the arrangement of Tarr could somehow send the signal (indicating the end of the predetermined time period) to the billing computer during a period when the current date and/or time from real time clock 30 is not past the predetermined time period, such signal (indicating the end of the predetermined time period) would be in error (invalid) since the predetermined time period has not ended.

Applicant submits that a person of ordinary skill in the art would understand and appreciate that there is no condition in Tarr where the signal indicating the end of the predetermined time period would be generated when the predetermined time period has not ended, or that after the predetermined time period has past, a notice is sent to the billing computer that indicates the signal indicating the end of the predetermined time period is invalid. In this regard, the signal indicating the end of the predetermined time period is sent when the time generated by real time clock 30 equals the predetermined time period (see column 6, lines 42-46). There is no realistic situation where such signal would ever be considered invalid based upon it being past the predetermined time period, as it is merely a signal indicating the end of the predetermine time period.

The only apparent motivation of record for the Examiner's proposed modification of the system disclosed by Tarr to arrive at the claimed inventions is found in Applicant's disclosure which, of course, may not properly be relied upon to support the ultimate legal conclusion of

obviousness under 35 U.S.C. §103. *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 227 1 USPQ2d 1593 (Fed. Cir. 1987). It is, therefore, respectfully submitted that the Examiner has not established the requisite motivation for the proposed combination of references to arrive at the claimed invention.

It is believed to be clear that neither Tarr nor Nobuhisa discloses or suggests a controller comprising a decision unit for deciding whether or not the command data received by the receiving unit includes the first expiration date and/or time, as required in claim 25.

It is believed to be clear that neither Tarr nor Nobuhisa discloses or suggests a controlling method comprising the step of deciding whether or not the command data received by the receiving unit includes the first expiration date and/or time, as required in independent claim 29.

It is believed to be clear that neither Tarr nor Nobuhisa discloses or suggests a management system comprising a center transmitting unit for transmitting command data including expiration date and/or time in accordance with a kind of command, as required by independent claim 27.

It is also believed to be clear that neither Tarr nor Nobuhisa discloses or suggests a method of managing at least one apparatus via a network, comprising the step of transmitting command data from a center device, the command data including expiration date and/or time in accordance with the kind of the command, as required in claim 30.

Claims 11, 15 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tarr in view of Cawley (U.S. Pat. No. 5,361,334, hereinafter "Cawley"). Applicants respectfully traverse.

Applicant incorporates herein the arguments previously advanced in traversal of the rejection under 35 U.S.C. § 103 predicated, in part, upon Tarr. It is submitted that he only

apparent motivation of record for the Examiner's proposed modification of Tarr system with Cawley to arrive at the claimed inventions is found in Applicant's disclosure which, of course, may not properly be relied upon to support the ultimate legal conclusion of obviousness under 35 U.S.C. §103. *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 227 1 USPQ2d 1593 (Fed. Cir. 1987). Applicant submits that the Examiner has not provided a realistic reason why Tarr' signal indicated the end of the predetermine time period would ever realistically include an indication of when such signal expires, based on Cawely's disclosure. It is, therefore, respectfully submitted that the Examiner has not established the requisite motivation for the proposed combination of references to arrive at the claimed invention.

In view of the above, the allowance of claims 11, 12, 15, 16, 19 and 21-30 is respectfully solicited. Accordingly, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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